

### **REMARKS**

This is in response to the Office Action mailed on April 15, 2004. Claims 21 and 31 are amended and claims 45-46 are added. As a result, claims 1-46 are now pending in this application. Claim 21 has been amended to clarify the histogram of the data as two or more statistical distributions for the two or more sites, and claim 31 has been amended to correct a typographical error.

#### **§102 Rejection of the Claims**

Claims 21, 24 and 41 were rejected under 35 USC § 102(e) as being anticipated by Conley (U.S. Patent No. 6,415,175). Applicant respectfully traverses. Applicant is unable to find a histogram that includes a histogram bin where the histogram bin includes a representation for two or more sites.

Independent claim 21 has been amended to clarify the histogram of the data as two or more statistical distributions for the two or more sites. Independent claim 21, as currently amended, recites that the histogram includes a plurality of histogram bins, and that at least one of the histogram bins includes a representation for at least a portion of at least a first statistical distribution for a first site and a representation for at least a portion of at least a second statistical distribution for a second site. Applicant is unable to find, among other things, in the cited portions of Conley a programmer device that includes a processor to provide a histogram of the data on the display as two or more statistical distributions for the two or more sites, where the histogram includes a plurality of histogram bins, and at least one of the histogram bins includes a representation for at least a portion of at least a first statistical distribution for a first site and a representation for at least a portion of at least a second statistical distribution for a second site, as recited in currently amended claim 21. Claim 24 depends on independent claim 21, and is believed to be patentable at least for the reasons provided with respect to currently amended independent claim 21.

With respect to independent claim 41, Applicant is unable to find, among other things, in the cited portions of Conley a device comprising a processor, communication circuitry, a display, and a memory that is encoded with a software program that is executable by the processor to

form a statistical distribution for each of the two or more sites, and display the statistical distribution for each of the two or more sites in a histogram where the histogram includes a plurality of histogram bins and each histogram bin includes a representation for at least a portion of the statistical distribution for each of the two or more sites, as recited in the claim.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of the claims.

*Allowable Subject Matter*

Applicant acknowledges the allowance of claims 1-20 and 25-40.

Claims 22-23 and 42-44 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New independent claim 45 includes language recited in previously presented independent claim 21 and original dependent claim 22, which has been indicated to be allowable. New dependent claim 46 depends on claim 45, and includes language recited in previously presented dependent claim 23. Applicant respectfully requests consideration and allowance of new claims 45-46.

Claims 42-44 depend on previously presented independent claim 41. For the reasons provided above, Applicant believes that independent claim 41 is in condition for allowance. Thus, Applicant respectfully requests consideration and allowance of claims 42-44 along with independent claim 41.

*Reservation of the Right to Swear Behind References*

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

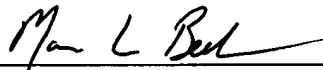
Respectfully submitted,

JEFFREY E. STAHMANN ET AL.

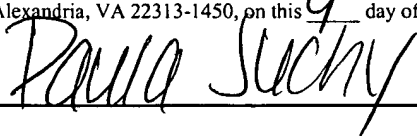
By their Representatives,

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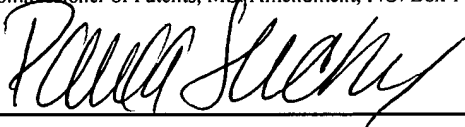
Date 6-8-04

By   
Marvin L. Beekman  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, MSA Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of June, 2004.



Name



Signature